

SENATE BILL 3015

By Beavers

AN ACT to amend Tennessee Code Annotated, Title 71,  
Chapter 5, Part 3, relative to food stamps.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 3, is amended by adding the following language as a new, appropriately designated section:

**71-5-316.**

(a) As used in this section, unless the context otherwise requires:

(1) "Cardholder" means the recipient to whom or for whose benefit the department issues an EBT card;

(2) "Caregiver":

(A) Means a person who has a duty to provide for a minor, an elderly person or person with a disability's health and personal care, at such person's place of residence, including but not limited to, food and nutrition, shelter, hygiene, prescribed medication and medical care and treatment;

(B) Includes:

(i) A parent, spouse, adult child or other relative by blood or marriage who resides with or resides in the same building with or regularly visits the elderly person or person with a disability, knows or reasonably should know of such person's physical or mental impairment and knows or reasonably should know that such person is unable to adequately provide for his or her own health and personal care;

(ii) A person who is employed by the elderly person or person with a disability or by another to reside with or regularly visit the elderly person or person with a disability and provide for such person's health and personal care;

(iii) A person who has agreed for consideration to reside with or regularly visit the elderly person or person with a disability and provide for such person's health and personal care; and

(iv) A person who has been appointed by a private or public agency or by a court of competent jurisdiction to provide for the elderly person or person with a disability's health and personal care; and

(C) Does not include a long-term care facility licensed or certified under title 68, chapter 11, part 2 or any administrative, medical or other personnel of such a facility, or a health care provider who is licensed under title 63, chapter 6, part 2 and renders care in the ordinary course of his or her profession; and

(3) "EBT card" means an electronic benefits transfer card issued by the department to a cardholder.

(b) On or before September 1, 2012, the commissioner shall seek a waiver from the United States department of agriculture to allow this state to include a photo of the cardholder on every EBT card issued under this part.

(c) On or before January 1, 2013, the department shall provide the health and human resources committee of the house of representatives and the health and welfare

committee of the senate with a good faith estimate of the cost, pursuant to a potential waiver under subsection (b), of:

(A) Replacing every valid EBT card with a card that contains on its face a photo of the cardholder;

(B) "Phasing-in" new photo identification cards issued under the current contract with the current EBT card vendor; and

(C) Implementing photo identification cards pursuant to the federal waiver in subsection (b) once the contract with any current EBT card vendor expires.

(d) On or before January 1, 2013, the department shall suggest a process to the health and human resources committee of the house of representatives and the health and welfare committee of the senate that allows the caregiver of a recipient to use the recipient's EBT card on the recipient's behalf pursuant to the subsection (b) waiver.

(e) If the subsection (b) waiver is received, it shall be up to the general assembly through legislation to determine whether it wishes to implement the waiver based upon the findings in subsections (c) and (d).

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.